



PATENT  
2007-1003-1

**IN THE U. S. PATENT AND TRADEMARK OFFICE**

In re application of

Joseph Johan Maria VAN RENS et al. Conf. 1188

Application No. 10/790,096 Group 3721

Filed March 2, 2004 Examiner Hemant Desai

## FORM-FILL-SEAL MACHINE

Examiner Hemant Desai

TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 21, 2004

Sir:

CFS WEERT B.V. of Weert, The Netherlands, owner of 100 percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as presently shortened by any Terminal Disclaimer, of prior Patent No. 6,711,875. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any Terminal Disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any Terminal Disclaimer.

The undersigned is an attorney of record.

Respectfully submitted,

YOUNG & THOMPSON

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Roland E. Long, Jr., Reg. No. 41,949  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

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Docket No. 2007-1003-1  
Appln. No. 10/790,096

REMARKS

Claims 1-26 are pending.

The Official Action rejects the pending claims under non-statutory double patenting over the claims of U.S. Patent No. 6,711,875.

To overcome this rejection, applicants are herewith filing a terminal disclaimer.

In view of the enclosed terminal disclaimer, withdrawal of the non-statutory double patenting rejection is solicited.

Applicants acknowledge with appreciation that the pending claims are otherwise directed to allowable subject matter. Accordingly, applicants believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.

Please charge the terminal disclaimer fee of \$110 to Deposit Account No. 25-0120.

Respectfully submitted,

YOUNG & THOMPSON

  
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Arlington, VA 22202  
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REL/lk

**APPENDIX:**

The Appendix includes the following item:

- a terminal disclaimer